| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/888,472 | 06/25/2001 | Jeffrey Allen Jones | AUS920010403US1 | 8673 |

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| 7590      03/31/2005 | **EXAMINER** |
| Duke W. Yee | MARTIN, NICHOLAS A |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2154 | |

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/888,472 | JONES ET AL. |
| | Examiner | Art Unit | |
| | Nicholas A. Martin | 2154 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _6/25/2001_.

2a)☒ This action is **FINAL**.  2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-15_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1/15_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _25 June 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1.      Claims 1-15 are presented for examination.


2.      The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.


## Claim Rejections - 35 USC § 102

3.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.      Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartsell

et al. (hereinafter Hartsell), US 2002/0174227.

5.      As per claim 1, Hartsell teaches a method to provide incentives for client

machines to contribute resources to a peer-to-peer computer network, comprising the

steps of:

        receiving requests for information from a plurality of client machines (Page 20,

paragraph [0189]);

        determining if the client machines are contributing resources to peer-to-peer

sharing (Page 15, paragraph [0136]; Page 20, paragraphs [0184], [0190]; Page 22,

paragraph [0199]); and

sending the requested information to the client machines, wherein priority is

given to requests from clients which are contributing resources to peer-to-peer sharing

(Page 15, paragraph [0136]; Page 20, paragraphs [0184], Page 21, paragraph [0194]).

6.      As per claim 2, Hartsell teaches the method of claim 1, wherein:

the step of giving priority to client machines which contribute resources to peer-

to-peer sharing further comprises giving higher priority in proportion to the level of

resources contributed (Page15, paragraph [0136]; Page 20, paragraph [0184]; Page 22,

paragraph [0199]).

7.      As per claim 3, Hartsell teaches the method of claim 1, wherein the resources

client machines may contribute to peer-to-peer sharing comprise:

disk space (Page 16, paragraph [0145]);

bandwidth (Page 10, paragraph [0095]);

CPU resources (Page 4, paragraph [0045]);

memory (Page 5, paragraph [0055]); and

specified number of connected users (Page 10, paragraph [0095]).

8.      As per claim 4, Hartsell teaches a method for accessing information in a peer-to-

peer computer network, comprising the steps of:

contributing computer resources to peer-to-peer sharing technology (Page 4,

paragraph [0045]; Page 15, paragraph [0136]);

requesting information from a network server, wherein the request if given priority

in proportion to the level of resources contributed to peer-to-peer sharing (Page 27,

paragraph [0236]; Page 15, paragraph [0136]); and

receiving the requested information (Page 26, paragraph [0234]).

9.    Claims 5, 8, 10, 13 and 15 do not teach or define any new limitations above claim 3

and therefore are rejected for similar reasons.

10.    As per claim 6, Hartsell teaches a computer program product in a computer

readable medium for use in a data processing system, to provide incentives for client

machines to contribute resources to a peer-to-peer computer network, the computer

program product comprising:

instructions for receiving requests for information from a plurality of client machines

(Page 29, paragraph [0252]);

instructions for determining if the client machines are contributing resources to

peer-to-peer sharing (Page 29, paragraphs [0248], [0249]); and

instructions for sending the requested information to the client machines, wherein

priority is given to requests from clients which are contributing resources to peer-to-peer

sharing (Page 29, paragraphs [0249], [0250]).

11.    As per claim 7, Hartsell teaches the computer program product according to claim 6,

wherein:

the instructions for giving priority to client machines which contribute resources to

peer-to-peer sharing further comprise instructions for giving higher priority in proportion to

the level of resources contributed (Page 29, paragraphs [0249], [0250]; Page 30,

paragraph [0258]).

12.    As per claim 9, Hartsell teaches a computer program product in a computer

readable medium for use in a data processing system, for accessing information in a peer-

to-peer computer network, comprising:

    instructions for contributing computer resources to peer-to-peer sharing technology

(Page 29, paragraph [0251]);

    instructions for requesting information from a network server, wherein the request is

given priority in proportion to the level of resources contributed to peer-to-peer sharing

(Page 29, paragraph [0250]); and

    instructions for receiving the requested information (Page 29, paragraph [0250];

Page 30, paragraph [0272]).

13.    As per claim 11, Hartsell teaches a system to provide incentives for client machines

to contribute resources to a peer-to-peer computer network, comprising:

    a receiving component which receives requests for information from a plurality of

client machines (Page 4, paragraph [0047]); Page 8, paragraph [0076];

    a processing component which determines if the client machines are contributing

resources to peer-to-peer sharing (Page 5, paragraph [0053]; Page 15, paragraph [0136];

Page 20, paragraphs [0184], [0190]);

    a register which maintains a queue, wherein priority is given to requests from

clients which are contributing resources to peer-to-peer sharing (Page 8, paragraph

[0077]; Page 10, paragraph [0092]); and

    a communications component which sends the requested information to the client

machines (Page 5, paragraph [0051]; Page 6, paragraph [0063]).

14.    As per claim 12, Hartsell teaches the system of claim 11, wherein:

the register which maintains the queue further comprises a second queue for

requests from clients which contribute resources, wherein higher priority is given in

proportion to the level of resources contributed (Page 8, paragraph [0077]; Page 10,

paragraph [0092]; Page 11, paragraph [0102]).

15.    As per claim 14, Hartsell teaches a system for accessing information in a peer-to-

peer computer network, comprising:

a peer-to-peer sharing component which contributes computer resources to peer-

to-peer sharing technology (Page 4, paragraph [0045]; Page 15, paragraph [0136];

a communications component which requests information from a network server,

wherein the request is given priority in proportion to the level of resources contributed to

peer-to-peer sharing (Page 5, paragraph [0051]; Page 6, paragraph [0063]; Page 15,

paragraph [0136]; Page 27, paragraph [0236]); and

a receiving component which receives the requested information (Page 26,

paragraph [0234];

16.    Applicant's arguments filed on 12/29/04 have been fully considered but they are

not persuasive.

17.    As per remarks, Applicants' argued that (1) Hartsell does not teach or suggest

determining if the client machines are contributing resources to peer-to-peer sharing.

18.    As to point (1), as stated from previous Office action, Hartsell discloses the

limitation of determining if the client machines are contributing resources (Paragraphs

[0184], "...to deterministically manage information.  For example, requests for

information delivery may be rejected or queued based on availability of necessary

system or subsystem resources, and/or necessary resources may be allocated or

reserved in advance on handling a particular information request, e.g., as part of an

end-to-end resource reservation scheme."; Paragraph [0199], "...allowable time frame

for delivery of content based on one or more parameter including...resource

availability..."). Furthermore, Hartsell discloses the limitation of client machines in a

peer-to-peer environment (Paragraph [0136]).


19.    As per remarks, Applicant's argued that (2) Hartsell does not teach or suggest

sending the requested information to the client machines, wherein priority is given to

request from clients which are contributing resources to peer-to-peer sharing.


20.    As to point (2), Hartsell discloses sending the requested information to the client

machines, wherein priority is given to requests from clients which are contributing

resources (Paragraphs [0184], "...to deterministically manage information.  For

example, requests for information delivery may be rejected or queued based on

availability of necessary system or subsystem resources, and/or necessary resources

may be allocated or reserved in advance on handling a particular information request,

e.g., as part of an end-to-end resource reservation scheme."; Paragraph [0304],

"...priority-indicative class/service identification parameters may be assigned to indicate

the priority of service that a client is to receive, and a system may be provided with

policies in step to prioritize and manage incoming and/or outgoing data and

communication traffic flow through the system based on...associated with a particular

request, and disposal of such a request based on the availability of system

resources..."). Furthermore, Hartsell discloses the limitation of client machines in a

peer-to-peer environment (Paragraph [0136]).


21.    As per remarks, Applicant's argued that (3) Hartsell does not teach or suggest

requesting information, wherein the request is given priority in proportion to the level of

resources contributed to peer-to-peer sharing.


22.    As to point (3), Hartsell discloses requesting information, wherein the request is

given priority in proportion to the level of resources contributed (Paragraph [0236],

"...deterministically manage information based...with a particular request for information

such as a request for content or request for an information service.  Examples of such

parameters include, priority level...anticipated resources required to process the

request, etc.  ...these deterministic features may be implemented ...in the provisioning

of resources and/or prioritization of resources for the processing of particular

requests..."; Paragraphs [0304-0305]; Claims 75 & 77).  Furthermore, Hartsell discloses

the limitation of client machines in a peer-to-peer environment (Paragraph [0136]).

23.    **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.
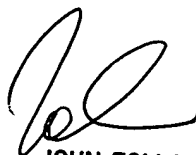

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas Martin whose telephone number is (571) 272-

3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30

p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-3970.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


Nicholas Martin
Examiner
Art Unit 2154
March 21, 2005


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100